

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE:

GENERAL MOTORS LLC IGNITION SWITCH LITIGATION

This Document Relates To Fleck v. General Motors LLC,
14-CV-8176

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14-MD-2543 (JMF)
14-MC-2543 (JMF)**ORDER NO. 80**

JESSE M. FURMAN, United States District Judge:

**[Regarding Preliminary Jury Selection Matters and
Scheduling of the Final Pretrial Conference]**

Bellwether Trial #1 is scheduled to begin on January 11, 2016. The parties are advised that the Court intends to conduct the trial, including jury selection (except as noted), in **Courtroom 26A** of the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York. It is the parties' obligation to ensure that whatever technological needs they have — for use of computers or other devices, presentation of evidence, or otherwise — are addressed in advance of trial. The parties shall contact Chambers and/or the District Executive's Office sufficiently in advance of the trial date to raise any questions, address any technological needs, and arrange for testing of any technology.

In advance of the October 9, 2015 status conference, the Court shares some of its preliminary views regarding the process for jury selection:

- After conferring with the Court's Jury Department, the Court is inclined to summon approximately 100 to 150 prospective jurors, with an eye toward ultimately seating a jury of ten or twelve.
- The Court is inclined to use a *short* jury questionnaire, with questions **limited** to those that would **unambiguously** call for excusal for cause without the need for any further inquiry or follow-up. Possible topics or questions meeting that standard might include the following: hardship; ownership of New GM stock; involvement (of the juror, a close relative, or a close friend) in an accident or

incident involving a GM car with an alleged defect; membership in the putative economic loss class; and so on.

- The Court would (either in Courtroom 26A or perhaps in the Court's Jury Assembly Room) address the prospective jurors, and provide instructions on completion of the questionnaire, on the morning of **Wednesday, January 6, 2016**, after which the prospective jurors would complete the questionnaire under the supervision of the Jury Department. Counsel and the public (including members of the press) would be welcome (but not required) to be present when the Court addresses the prospective jurors, but would not be present while the prospective jurors completed the questionnaire.
- The completed questionnaires would be provided to New GM, which would be required to immediately make copies both for the Court and for Plaintiff. The parties would then have until **Friday, January 8, 2016, at 10 a.m.** to review the questionnaires and submit a list to the Jury Department of jurors that both sides agree should be excused for cause. Prospective jurors on the parties' joint list would be excused without any review or inquiry by the Court.
- The Court would conduct oral *voir dire* of the remaining prospective jurors beginning at **9:30 a.m. on Monday, January 11, 2016**.

The parties are directed to confer regarding these preliminary views and to be prepared to address them (and any other relevant topics) at the October 9, 2015 conference. (The parties need not, and should not, submit a proposed questionnaire at this time. Per Order No. 78 (14-MD-2543, Docket No. 1350), the parties have until November 20, 2015, to do so.)

Finally, the Court will hold the Final Pretrial Conference for Bellwether Trial #1 on **Wednesday, January 6, 2016, at 9:00 a.m.** (taking a break, as needed, to address the prospective jurors, as discussed above) in **Courtroom 26A** of the Daniel Patrick Moynihan Courthouse, 500 Pearl Street, New York, New York.

SO ORDERED.

Dated: September 22, 2015
New York, New York


JESSE M. FURMAN
United States District Judge